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ATTORNEY DOCKET NO. 12016.0046U1
Serial No. 10/084,256
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Barry et al.) Group Art Unit: 2853
Application No. 10/084,256) Confirmation No. 2017
Filed: February 27, 2002) Examiner: Stewart, Jr., Charles W.
For: **"SYSTEM AND METHOD OF FLUID LEVEL**)
REGULATING FOR A MEDIA COATING)
SYSTEM")

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C. Customer
Number 23859

June 7, 2005

Sir:

The above-identified application became abandoned for unintentional failure to file a response to the Office Action dated May 7, 2004 in the United States Patent and Trademark Office. The abandonment date of this application was November 7, 2004.

Applicant hereby petitions for revival of this application pursuant to 37 C.F.R. § 1.137(b).

The non-final Office Action, dated May 7, 2004, was mailed to the previous address of the attorney of record and was not actually received by either the attorney or the owner of the

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application until March 25, 2005. The inventor's declaration, dated May 16, 2002, clearly gives the owner's customer number and indicates that all correspondence is to be sent to the owner's address in lieu of the attorney's address. Therefore, when the patent office inadvertently mailed the Office Action to the prior address of the attorney of record, it was through no fault of the owner of the application that the Office Action was not forwarded. Thus, the abandonment of the application was unintentional.

The owner of the application indicates by its signature below that the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional.

The fee of \$1,500.00 for the Petition to Revive the application under 37 C.F.R. § 1.17(m) is included herewith.

Since this patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

This petition is accompanied by a copy of the required reply that was due November 7, 2004, and a Credit Card Payment Form in the amount of \$1,500.00 for the Petition Fee, as appropriate. These amounts are believed to be correct. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



Anthony J. DoVale, Jr.
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I hereby state that the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

LEXMARK INTERNATIONAL INC.

By: Bufi Loh

Title: CHIEF I.P. COUNSEL

CERTIFICATE OF MAILING

I hereby certify that this document and any documents referenced herein as being enclosed herein is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Anthony J. Do Vale, Jr.

6/7/2005

Date: